

# **EXHIBIT A**

NATIONAL PRESCRIPTION OPIATE LITIGATION  
Special Meeting

August 18, 2021



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1 the same language? Are we talking about the  
2 process data or the raw data?

3 MR. STOFFELMAYR: I don't know  
4 what process data means, so I guess I can't  
5 answer that.

6 MR. WEINBERGER: What McCann did  
7 to the raw data to come up with his various  
8 charts and his opinions in his report.

9 MR. STOFFELMAYR: So what he did  
10 is not a thing. If there is like a database,  
11 something produced, something we're supposed to  
12 look at, I guess we could say, yes, we think  
13 his manipulation was fine, whatever he did,  
14 everyone has to do that to --

15 MR. WEINBERGER: There's many,  
16 many pages of charts and attachments and --

17 MR. STOFFELMAYR: Right.

18 SPECIAL MASTER COHEN: I don't  
19 understand how that issue doesn't get teed up  
20 via Daubert or --

21 MR. WEINBERGER: They didn't have  
22 to deal with Daubert on that issue.

23 SPECIAL MASTER COHEN: Okay.  
24 Well, maybe that answers the question. But  
25 also, to some extent at trial, you're going to

Special Master Cohen for Special Meeting  
August 18, 2021

89

1           have to present to the jury what it is -- first  
2           of all, what ARCOS data is and what your  
3           experts did with it. That's just a part of the  
4           normal presentation of evidence.

5           I don't -- I'm kind of missing where  
6           there's an authentication issue. It sounds  
7           more like a Daubert process question. But  
8           anyway, it's teed up via a motion in limine.

9           MR. WEINBERGER: I understand the  
10          distinction, Special Master Cohen, and perhaps  
11          it is an authentication issue and I should be  
12          using that terminology.

13          The question is what he did, was the  
14          processing a valid way of processing the data,  
15          and to my knowledge, there is no dispute --  
16          there is no dispute about it, there hasn't been  
17          a Daubert about it, and I don't think that it  
18          serves any of us or the Court or the jury to  
19          have to spend two days taking this witness  
20          through an examination that can't be done by  
21          way of some sort of agreement or stipulation or  
22          otherwise.

23          SPECIAL MASTER COHEN: I don't  
24          know how this plays out. If the defendants  
25          believe -- and of course, you don't have to

1 file a Daubert motion as plaintiffs didn't and  
2 then attack the process at trial, you know,  
3 there's tactical reasons to do that, strategic  
4 reasons to do that. If the defendants believe  
5 that the processing of the data was incorrect,  
6 they can bring that out at trial.

7 I guess my point is that we're not going  
8 to talk any more about this today because I'm  
9 not sure it's teed up properly.

10 MR. LANIER: Okay.

11 SPECIAL MASTER COHEN: It doesn't  
12 mean it doesn't get teed up later.

13 Any other issues?

14 MR. LANIER: No other issues that  
15 we see in terms of what the plaintiffs are  
16 seeking to offer as of today, with the  
17 exception, of course, I spoke with Mr. Hynes  
18 and Mr. Delinsky, and we discussed that they  
19 wanted a little more time to look through the  
20 affidavit, and I said that's fine, and we'll  
21 try and get to that next week. Beyond that, I  
22 think we've dealt with the issues that we  
23 brought to the presence of the Court today.

24 MR. STOFFELMAYR: We have one  
25 weird question about the affidavit. It doesn't